

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP
 2 STEVEN D. WASSERMAN (Bar No. 88291)
 3 MICHAEL L. FOX (Bar No. 173355)
 SUNNY S. SHAPIRO (Bar No. 221111)
 One Market Plaza,
 Steuart Tower, 8th Floor
 San Francisco, California 94105
 Telephone: (415) 781-7900
 Facsimile: (415) 781-2635

6 Attorneys for Defendant
 CATERPILLAR INC.

8 BRAYTON ♦ PURCELL LLP
 CLAYTON W. KENT (Bar No. 123164)
 9 222 Rush Landing Road
 P.O. Box 6169
 10 Novato, California 94948-6169
 Telephone: (415) 898-1555

11 Attorneys for Plaintiffs
 12 RALPH H. MCKEE, JR. and KRISTINE MCKEE

13
 14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

18 RALPH H. MCKEE, JR. AND KRISTINE
 MCKEE,

19 Plaintiffs,

20 v.

21 CATERPILLAR INC.; and DOES 1-100,
 inclusive,

23 Defendants.

CASE NO. C-07-3900-EDL

**DECLINATION TO PROCEED BEFORE A
 MAGISTRATE JUDGE
 AND
 REQUEST FOR REASSIGNMENT TO A
 UNITED STATES DISTRICT JUDGE**

24
 25 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

26 The undersigned parties hereby decline to consent to the assignment of this case to a
 27 United States Magistrate Judge for trial and disposition and hereby request the reassignment of
 28 this case to a United States District Judge.

1 Dated: October 15, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

2

3

4

5

6

7

Dated: October 15, 2007

By: /s/ Steven D. Wasserman

Steven D. Wasserman

Michael L. Fox

Sunny S. Shapiro

Attorneys for Defendant

CATERPILLAR INC.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

BRAYTON ♦ PURCELL LLP

By:



Clayton W. Kent

Attorneys for Plaintiffs

RALPH H. MCKEE and KRISTINE MCKEE

CASE NO. C-07-3900-EDL

-2-
DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT
TO A UNITED STATES DISTRICT JUDGE